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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,047	03/25/2004	Brenda J. Brunk	1261.031USI	5768
21186 7590 05/10/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER BARTOSIK, ANTHONY N	
			ART UNIT 3609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,047

Applicant(s)

BRUNK ET AL.

Examiner

Anthony N. Bartosik

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on March 25, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on March 25, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference sign 400. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Page 12 Lines 13 and 15 refer to the "deformable seat" using the reference numeral 902. Reference numeral 902 is consistently used throughout the application to describe the "glazing cap" and reference numeral 904 describes the "deformable seat." For examination purposes, "the deformable seat 902" is being assumed to read "deformable seat 904."

Appropriate correction is required.

Claim Objections

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the claim as well as the specification as to how the second veneer slidably connects to the sides of the insulation core.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman (US 6,487,827 B2) in view of Aufderhaar (U 5,219,634) and Eggers et al. (US 4,146,662).

Art Unit: 3609

7. In Re claim 1, Column 5 Lines 39-41 of Hollman teaches the panel (32) of claim 1 comprising a fiberboard substrate. Hollman does not specifically teach the fiberboard substrate including wood fiber **and waterproof resin**, however it is well known in the art to combine wood fibers with waterproof resin as taught in Aufderhaar, Column 2 Lines 51-61. Hollman also teaches at least one veneer (84) disposed over a first face of the fiberboard substrate; as well as attaching the veneer with an adhesive disposed between the at least one veneer (84) and the fiberboard substrate. Hollman is silent as to the particulars of the adhesive; nevertheless, Column 2; Lines 27-32 and 49-52 of Eggers et al. teach the use of a waterproof adhesive to bond the veneer to a fiberboard substrate. It would have been obvious to one skilled in the art to modify the veneered fiberboard substrate panel in Hollman by using a wood fiber and waterproof resin panel as taught by Aufderhaar and a waterproof veneer adhesive as taught by Eggers et al.

8. In Re claim 2, Figures 2 (a) and (b) of Hollman discloses a panel (32), wherein the first face of the fiberboard substrate has a profiled surface.

9. In Re claim 3, Column 6 Lines 21-27 of Hollman teaches a panel (32) where at least one veneer (84) is pliable and assumes a profile corresponding to the profiled surface of the fiberboard substrate when disposed over the fiberboard substrate.

10. In Re claim 4, Column 5 Lines 41-43 of Hollman teaches a second veneer disposed over a second face of the fiberboard substrate.

Art Unit: 3609

11. Regarding claims 5-9, Hollman as modified by Aufderhaar and Eggers et al. lacks teaching an adhesive that contains the specific compounds of phenol formaldehyde, methyl di-isocyanate, cyanuramide, polyurethane, or urethane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a waterproof resin/adhesive that includes phenol formaldehyde, methyl di-isocyanate, cyanuramide, polyurethane, or urethane since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

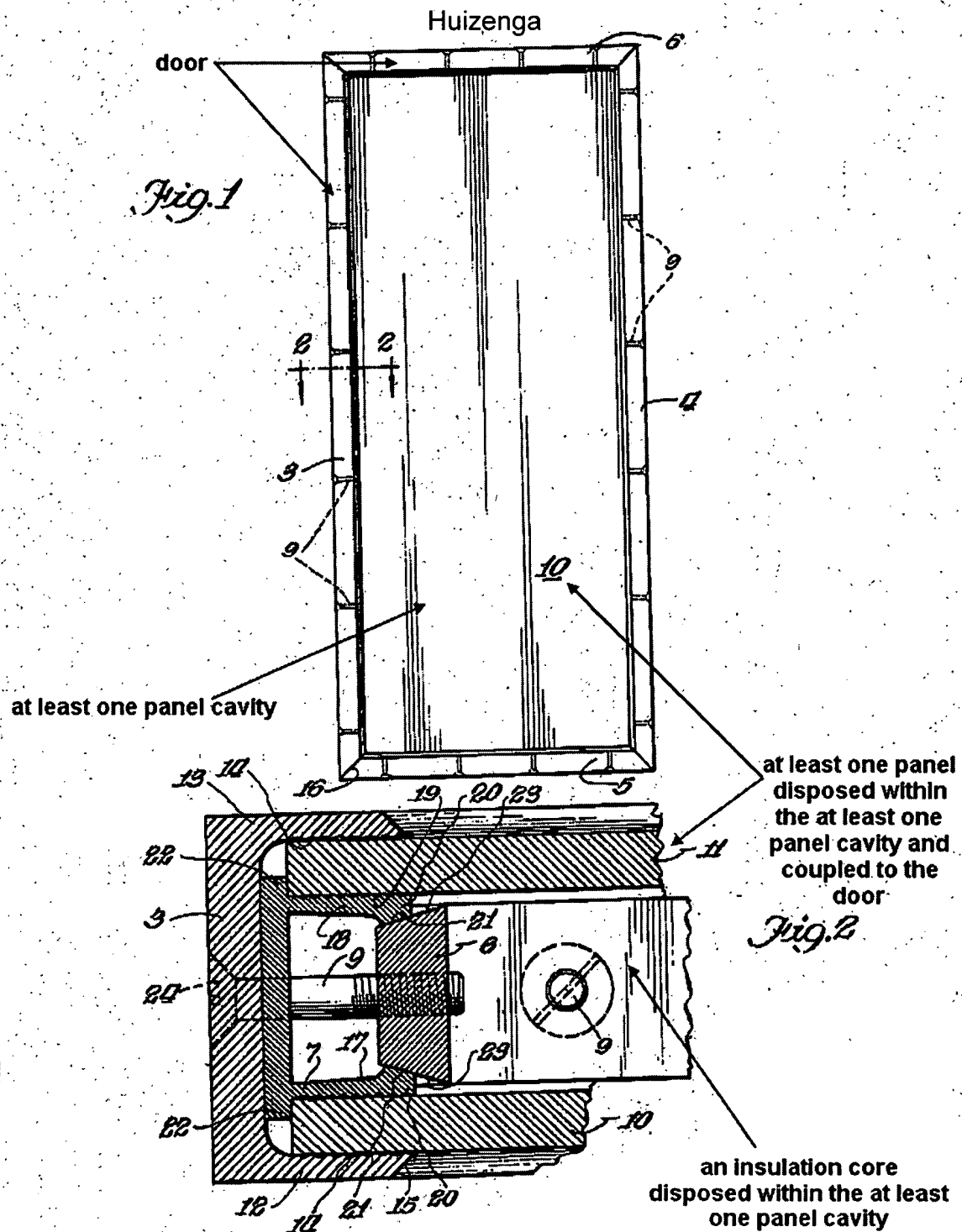
12. Regarding method claims 18-21 and 23-25 the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

13. Method claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman, Aufderhaar, and Eggers et al. as applied to claim 1 above, and further in view of Forman (US 5,526,857). Forman, Column 2 Lines 35-40 specifically teach milling the at least one face of the fiberboard substrate to provide at least one profiled face. With regard to the remaining elements of claim 22, the combination of all the references renders the claimed method steps obvious since such would be a logical manner of making the combination.

14. Claims 10, 13-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (U 5,219,634), and Eggers et al. (US 4,146,662).

Art Unit: 3609

15. In Re claim 10, Huizenga teaches a door including at least one panel cavity; an insulation core disposed within the at least one panel cavity; and at least one panel disposed within the at least one panel cavity and coupled to the door.



Although Huizenga does teach the use of panels, it does not specifically disclose the material of the panel, however, the combination of references Hollman,

Art Unit: 3609

Aufderhaar and Eggers et al. teach the characteristics of the panel in claim 10.

Column 5 Lines 39-41 of Hollman teaches the panel (32) comprising a fiberboard substrate. Hollman does not particularly teach the fiberboard substrate including wood fiber **and waterproof resin**, however, it is well known in the art to combine wood fibers with waterproof resin as taught in Aufderhaar, Column 2 Lines 51-61.

Furthermore, Hollman discloses a panel (32) having at least one profiled face (Figure 2), a first veneer coupled to the at least one profiled face with a waterproof adhesive, wherein the first veneer (84) has a profile corresponding to the at least one profiled face of the fiberboard substrate (Column 6 Lines 21-27), and a second veneer, wherein the second veneer is coupled to another face of the fiberboard substrate (Column 5 Lines 41-43) as well as attaching the veneer with an adhesive. Hollman is silent as to the particulars of the adhesive; nevertheless, Column 2; Lines 27-32 and 49-52 of Eggers et al. teach the use of a waterproof adhesive to bond the veneer to a fiberboard substrate.

Lastly, Huizenga (Figure 2) in combination with Hollman (Column 5 Lines 41-43) teaches the second veneer being substantially adjacent to the insulation core. The examiner is considering the insulation core in Figure 2 of Huizenga to be the area between the opposed panels. It would therefore be obvious one skilled in the art to modify the panels as taught by Huizenga with the panels of the combined references Hollman, Aufderhaar and Eggers et al.

16. Concerning claim 13, as best understood, Huizenga teaches a panel (20) being slidably coupled to an insulation core as well as the panel being moveable relative to the insulation core. Since applicant has not shown or described in

Art Unit: 3609

detail, other than showing the second veneer resting flush against the insulation core, how the second veneer is coupled to the insulation core; the examiner is interpreting this limitation broadly and considering the backside of panel (20) to be slidably attached to the insulation core by the fact that they rest flush against each other. Therefore, it would have been obvious to combine the veneer panel of Hollman with the slidably coupled panel of Huizenga.

17. Concerning claim 14, Huizenga teaches a second panel (Figure 1, reference numeral 11) and it would have been obvious to one skilled in the art at the time of the invention to modify the second panel to further include the limitations of claim 14 as have been described previously in claim 10.

18. Regarding claim 15, Figure 2 of Huizenga further teaches the door assembly of claim 14, further comprising at least one bracket (7) coupled to the at least one panel (10) and to the second panel (11).

19. In Re claim 17, Column 6 Lines 21-27 of Hollman, as previously discussed in claim 10, teach the first veneer being pliable and assumes the profile corresponding to the profiled face of the fiberboard substrate when disposed over the fiberboard substrate. Therefore, it would have been obvious to include the pliable veneer of Hollman.

20. Claims 11, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga, Hollman, Aufderhaar, and Eggers et al. as applied to claim 10 above, and further in view of Twigg et al. (US 6,151,849).

21. In Re claim 11, the combination of the aforementioned references teach coupling the panel to the door, however, they do not teach a glazing cap coupled

Art Unit: 3609

to the door and engaged against the at least one panel. Figures 1 and 2; as well as Column 3 Lines 24-32 and 41-51 of Twigg et al., disclose a glazing cap (30) coupled to the door (4) and engaged against the at least one panel (20). Thus it would have been obvious to one skilled in the art to modify the panel of Huizenga to include the glazing cap of Twigg et al.

22. Concerning claim 12, Twigg as discussed above, further contains a sealant (31) that is disposed between the at least one panel (20) and the glazing cap (30).

23. In Re claim 16 Twigg, Figures 1 and 2, further teach at least one glass pane disposed within the insulation core and the at least one panel. It would have then been obvious to one skilled in the art to incorporate the glass pane as taught by Twigg into the panel of the Huizenga and Hollman to allow for light to penetrate the panel.

24. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman (US 6,487,827 B2) in view of Aufderhaar (US 5,219,634) and Eggers et al. (US 4,146,662). Concerning claim 23, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

25. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman (US 6,487,827 B2) in view of Aufderhaar (US 5,219,634) and Eggers et al. (US 4,146,662). Aufderhaar, Column 6 Lines 10-14, specifically teach heating a fiberboard substrate. With regard to the remaining elements of claim

Art Unit: 3609

24, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

26. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollman (US 6,487,827 B2) in view of Aufderhaar (US 5,219,634) and Eggers et al. (US 4,146,662). Eggers et al., Column 2 Lines 29, specifically teaches compressing a fiberboard substrate. With regard to the remaining elements of claim 25, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

27. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (US 5,219,634), and Eggers et al. (US 4,146,662). Concerning claim 26, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

28. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2, Aufderhaar (US 5,219,634), Eggers et al. (US 4,146,662), and Twigg et al. (US 6,151,849). Concerning claim 27, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

29. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2, Aufderhaar (US 5,219,634), Eggers et al. (US 4,146,662), and Twigg et al. (US 6,151,849). Concerning claim 28, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

30. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (US 5,219,634), Eggers et al. (US 4,146,662), and Twigg et al. (US 6,151,849).

Concerning claim 29, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

31. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (US 5,219,634), and Eggers et al. (US 4,146,662). Concerning claim 30, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

32. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (US 5,219,634), and Eggers et al. (US 4,146,662). Concerning claim 31, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

33. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga (US 2,633,946) in view of Hollman (US 6,487,827 B2), Aufderhaar (US 5,219,634), and Eggers et al. (US 4,146,662). Concerning claim 32, the combination renders the claimed method steps obvious since such would be a logical manner of making the combination.

Conclusion

Art Unit: 3609

The prior art made of record and not relied on is considered pertinent to applicant's disclosure. Johnston, US 6,212,846 B1 discloses the inclusion of cyanuramide in waterproof adhesives. Minn US Application 2003/0024637 A1 discloses the inclusion of polyurethane and urethane in waterproof adhesives.

Von Haas US 6,402,869 B1 and Wagemaker US 3,038,179 discloses the inclusion of phenol formaldehyde in waterproof resins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Batson Victor can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3609

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Victor Batson
Supervisory Patent Examiner
Art Unit 3600

AB
4/2007